

REMARKS

In accordance with the foregoing, Applicants herein cancel claims 1, 23, 43 and 58-78 without prejudice or disclaimer, and Applicants amend claims 2, 4, 6, 8, 10-12, 16-22, 24, 26, 28, 30, 32-34, 38-42, 45, 47, 51, and 53-56. Thus, following entry of the amendments contained herein, claims 2-22, 24-42, and 44-57 stand pending examination on the merits. Entry and favorable consideration of the amendments tendered herewith is earnestly solicited so that the presently pending claims may pass to timely issuance as U.S. Letters Patent.

The following remarks are respectfully submitted.

I. Objection to Drawing

The drawings stand objected to; specifically, reference numeral "104" appears in FIG. 2 although the written description describes the feature denoted by said reference numeral as "point electrode 204." Applicants wish to extend their gratitude to the Examiner for bringing this inadvertent error to their attention. Accordingly, Applicants hereby propose submission of a revised FIG. 2 wherein reference numeral 204 appears in lieu of reference numeral 104. Applicants assert that no New Matter is introduced by the proposed revised drawing. Thus, the Examiner's objection to the drawings need not be held abeyance and ought to be withdrawn.

II. Rejections under 35 USC §103

Of the remaining claims, all claims except for claims 2, 3, 24, 25, 45, and 46 stand rejected under 35 USC § 103(a) as being unpatentable over the prior art cited by the Examiner.

However, the amendments herein rearrange the dependency of said remaining claims so that all claims rejected under 35 U.S.C. §103 depend directly or indirectly from an allowed parent claim. As a result, Applicants respectfully suggest that said claims are patentably distinct from the cited art and thus, this ground of rejection should be properly withdrawn. That is, since the dependent claims include an allowed parent claim, each said dependent claim is *prima facie* patentable over the prior art of record.

Therefore, Applicants respectfully request that the Examiner withdraw the rejection posed against the remaining non-canceled, dependent claims.

III. Allowed Claims

The Examiner has indicated that claims 2, 3, 24, 25, 45, and 46 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants herein amend claims 2, 24, and 45 to include the limitations of the base claim of each (i.e., claim 1, 23, and 43, respectively). Applicants herein cancel former independent (base) claim 1, 23, and 43 and have inserted the limitations of each base claim into the corresponding allowable dependent claim

thereof. Since, as amended, claims 3, 25, and 46 depend from an allowable independent claim, Applicants assert that they too are allowable.

VI. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Date:

30 Dec. 03



Paul H. McDowall
Reg. 34,873
Telephone: (763) 514-3351
Customer No. 27581